

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 4, 5, 7, 10-12, 14 and 18-22 are pending in this application. Claims 1, 4, 5, 12 and 21 are independent. By this Amendment, Claims 4, 5, 7, 10 and 21 are amended to correct minor informalities. No new matter is added.

The Office Action objects to Claims 4, 10, 11 and 21 because of minor informalities. Claims 4, 10 and 21 are amended to obviate the objection. Thus, withdrawal of the objection is respectfully requested.

The Office Action rejects Claims 1, 4, 5, 10, 12, 18 and 20-22 under 35 U.S.C. §103(a) over Nakagiri et al. ("Nakagiri"), U.S. Patent No. 6,616,359, in view of Brown et al. ("Brown"), U.S. Patent No. 6,246,485, and further in view of Shima et al. ("Shima"), U.S. Patent No. 6,104,489. The rejection is respectfully traversed.

Independent Claims 1, 5, 12 and 21 recite, *inter alia*, modifying multiple items of a default setting to create a modified default setting based on a single default setup command included in the printing job. Independent Claim 4 recites similar features.

The Examiner states in paragraph 2 on page 2 of the Office Action that Nakagiri's default setting is the setting the printer 1500 has before receiving a command to change the settings. The Examiner asserts that Nakagiri's field 1002, which stores job setup information, contains instructions for modifying the default setup, such as field 1105 which stores printer finishing information (see paragraph 1 on page 2 of the Office Action, and col. 16, lines 32, 33 and 63-66 of Nakagiri). However, Nakagiri discloses that the job setup information stored in field 1002 is information *unique to each job* (see col. 16, lines 33 and 34). Setting information

that is unique to each of specific jobs can hardly be said to be a modified *default setting* of the printer, much less a *default* setting at all. Thus, the job setup information stored in field 1002 is not information for creating a modified default setting. That is, although Nakagiri discloses that a print job can be executed using settings which are different than the default settings of the printer 1500 by changing the settings for each print job, Nakagiri does not disclose changing the default settings of the printer 1500 to create a modified default setting for each of the specific jobs based on a single default setup command included in a printing job. Thus, Nakagiri fails to disclose modifying multiple items of a default setting to create a modified default setting based on a single default setup command included in the printing job, as recited in independent Claims 1, 5, 12 and 21, and similarly recited in independent Claim 4.

Further, the Examiner on page 4 of the Office Action acknowledges that Nakagiri fails to disclose the claimed analyzing unit and default setup modifying unit, but asserts that they are disclosed by Brown. The Examiner takes the position that it would have been obvious to modify Nakagiri's apparatus with the teaching of Brown to result in the claimed combination of features.

However, there is insufficient evidence to support the Examiner's conclusion of obviousness. The Examiner merely states that the combination would have been obvious "because allow the system of Nakagiri '359 to be properly functioned" (see page 4 of the Office Action). This conclusory statement is insufficient to support an obviousness rejection, particularly taking into account the Patent Office's Examination Guidelines for Determining Obviousness Under 35 U.S.C. §103(a) in view of *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (2007). The Guidelines state that the Examiner should clearly articulate why the claimed

invention would have been obvious. For example, the Supreme Court in *KSR* held that the Examiner "must [provide] some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" (*KSR*, 82 USPQ2d 1385, 1396 (2007)). In this case, it is not at all apparent why the modification would have allowed the system of Nakagiri "to be properly functioned", especially in view of the fact that Nakagiri's system already appears to function properly. Thus, it is unclear is why the stated modification would have been obvious to an ordinarily skilled artisan. The Official Action here fails to explain, with articulated reasoning or rational underpinning, why or how it would have been obvious to modify Nakagiri's apparatus with Brown's printer controller 34 and NPAP Task 54. Simply because something could have been modified and a person of ordinary skill was capable of making the modification does not mean it would have been obvious to do so. Thus, there is inadequate evidence supporting the conclusion that it would have been obvious to modify Nakagiri's apparatus with the teaching of Brown to result in the claimed analyzing unit and default setup modifying unit. Thus, the rejection is improper, and should be withdrawn for at least these reasons.

Shima fails to overcome the deficiencies of Nakagiri and Brown, and is only cited as disclosing test print image data in a printing job.

Accordingly, independent Claims 1, 4, 5, 12 and 21 are patentable over the applied references for at least the above reasons. Claims 10, 18 and 20, 22 are patentable over the applied references at least by virtue of their respective dependence from patentable independent Claims 1, 4, 5 and 12. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejection is respectfully requested.

The Office Action rejects Claims 7, 11, 14 and 19 under 35 U.S.C. §103(a) over Nakagiri in view of Brown and Shima, and further in view of Iguchi, U.S. Patent No. 6,963,414. The rejection is respectfully traversed.

Claims 7, 11, 14 and 19 are patentable over the applied references at least by virtue of their respective dependence from patentable independent Claims 1, 4, 5 and 12. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejection is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: JUNE 19, 2009

By:



David R. Kemeny
Registration No. 57241

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620